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JCWSCS 29 JAN 2004

FLESHNER & KIM

FILE COPY

FAX INFORMATION
FLESHNER & KIM, LLP
2325 DULLES CORNER BOULEVARD
SUITE 1100
HERNDON, VIRGINIA 20171
FACSIMILE (703) 766-3644

DATE: January 28, 2004

TO: NAME: ATTN: OIPE-Customer Service

FIRM: _____

LOCATION: _____

FAX NUMBER: 703-746-9195

NUMBER OF PAGES (Including cover): 17

FROM: NAME: Daniel Y.J. Kim, Esq. and Laura L. Lee, Esq.

RE: Your Reference: U.S. Application No. 09/721,709

Our Reference: K-0238A

For confirmation or assistance call (703) 766-3701 and ask for: Paige

Original will be sent to you: No
Yes (via mail/courier) X

Special Instructions: _____

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Attorney Docket No.: K-238A

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

VIA FACSIMILE

Hun Gun PARK and Seok Cheon HA

EXPEDITED PROCEDURE
NOTICE OF ALLOWANCE
ISSUED 01/20/04

Application No.: 09/721,709

Confirm. No.: 4055

Customer No.: 34610

Filed: November 27, 2000

For: PLASMA DISPLAY PANEL

SUPPLEMENTAL REQUEST FOR CORRECTED FILING RECEIPT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

In reply to the January 9, 2003 Response to Request for Corrected Filing Receipt and as discussed with the customer service department of the USPTO OIPB, Applicant requests an expedited Corrected Filing Receipt.

Applicant requests the expedited review of this Supplemental Request for a Corrected Filing Receipt since a Notice of Allowance was issued on January 20, 2004.

Applicant submits herewith that this Supplemental claim for priority is based on an application filed before the application making the claim. Enclosed herewith is a copy of the Corrected Filing Receipt of the parent application (09/717,069), as well as the Decision

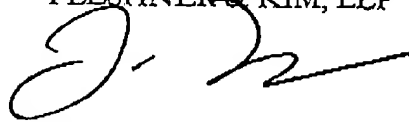
Serial No. 09/721,709

Docket No. K-0238A

Granting Petition dated on November 25, 2003. The Decision corrected the filing date to November 22, 2000, rather than April 18, 2001 due to USPTO error (as illustrated on the attached Corrected Filing Receipt). Also enclosed herewith is a marked-up copy of the Official Filing Receipt received for the above-identified application indicating the change to be made to claim priority as highlighted.

If any changes are needed to perfect the priority claim in the above-identified application, Applicant requests that the office contact Laura L. Lee at the number listed below.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Laura L. Lee
Registration No. 48,752

Encs: Corrected Filing Receipt of 09/717,069
Decision Granting the Petition for 09/717,069
Response to Request for Filing Receipt dated January 9, 2003
Request for Corrected Filing Receipt dated January 6, 2003
Marked-up Copy of the Official Filing Receipt as submitted
On January 6, 2003 with Request

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 DYK:LLJ/par
Date: January 28, 2004

Please direct all correspondence to Customer Number 34610



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/717,069	11/22/2000	2879	1314	K-238	15	28	5

FLESHNER & KIM
P.O. Box 221200
Chantilly, VA 20153-1200

CONFIRMATION NO. 2404

CORRECTED FILING RECEIPT



OC000000011348570

Date Mailed: 11/24/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Hun Gun Park, Kyongsangbuk-do, KOREA, REPUBLIC OF;
Seok Cheon Ha, Kyongsangnam-do, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

LG Electronics Inc.;

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 1999 / 52532 11/24/1999
REPUBLIC OF KOREA 2000 / 00151 01/04/2000
REPUBLIC OF KOREA 2000 / 02069 01/17/2000
REPUBLIC OF KOREA 2000 / 02070 01/17/2000

If Required, Foreign Filing License Granted: 03/20/2001

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

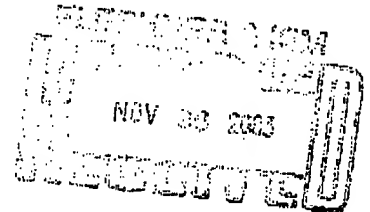
Early Publication Request: No

Title

PLASMA DISPLAY PANEL INCLUDING AUXILIARY AND SECONDARY BARRIERS

Preliminary Class

313



LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

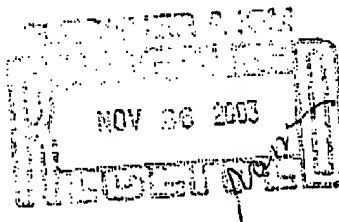
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FLESHNER & KIM LP
PO BOX 221200
CHANTILLY VA 20153-1200



Paper No. 3

COPY MAILED

NOV 25 2003

In re Reissue Application No: 10/445,868
Filed: May 28, 2003
Patent No.: 6,479,935
Issue date: November 12, 2002
Original Application No. 09/717,069
Original Application Filed: November 22, 2000

OFFICE OF PETITIONS
DECISION GRANTING PETITION

This is a decision on the petition filed October 29, 2003, in the above-identified reissue application which is being treated as a petition under 37 CFR 1.181(no fee) requesting that this reissue application may be properly amended to reflect that the above-identified original application papers (now patented) be given a filing date of November 22, 2000, instead of the currently accorded filing date of April 18, 2001, due to USPTO error.

The petition is **granted**.

The papers for the above-identified original application were deposited on November 22, 2000, along with 4 Korean priority documents and, by way of the transmittal letter, presented a claim for benefit under 35 U.S.C. 119 and also expressly incorporated by reference the contents of these 4 documents.

However, on March 2, 2001, the Office of Initial Patent Examination (OIPE) mailed a Notice indicating that while that filing date had been accorded the original application papers, Figure 16 described in the original specification had been omitted. The Notice indicated that applicants had 3 options with respect to the omitted Figure 16, in that applicants could: (1) file a petition and \$130 fee (refundable if favorably treated) and contend that the missing Figure 16 had in fact been initially filed with the other application papers; or (2) file a petition and \$130 fee (non-refundable) along with the omitted Figure 16 and accept the date of receipt at the USPTO of the omitted Figure 16 as the filing date of the instant application; or (3) elect not to file the petition and fee and thus constructively accept the application papers as filed, which, of course, lacked Figure 16.

On April 18, 2001, which was within the period for reply to the aforementioned Notice, applicants filed 15 sheets of formal drawings, including the missing Figure 16. Applicants did **not** file the petition and requisite fee, as required for proceeding further

Reissue Application No. 10/445,868

Page 2

under either option 1 or 2 noted above. Applicants' reply further correctly noted that, on filing, the contents of the 4 Korean priority documents had been specifically incorporated by reference into the original application.

Unfortunately, OIPE construed the above-noted communication as a reply to the Notice and changed the filing date to the date of receipt of the omitted Figure 16, notwithstanding the conspicuous lack of a petition and fee required for proceeding under either option 1 or, especially, option 2 noted above. In the absence of a grantable petition and fee filed under option 2, OIPE was simply without authority to change the filing date to April 18, 2001, as applicants had thereby elected option 3 noted above.

In due course, the patent issued with Figure 16 as part of the original disclosure, but such was linked to the filing date of April 18, 2001.

The instant petition was filed May 28, 2003. Petitioners assert that the formal drawings that were filed in the original application, while coincidentally filed within the period for reply to the Notice, were not in fact filed as a reply to the Notice. Petitioners contend that the filing date should not have been reset to that of the date of receipt of, *inter alia* Figure 16. As such, petitioners request that the original application be accorded a filing date of November 22, 2000, the date that the original application was deposited in the USPTO without a drawing of Figure 16, and that the mistaken OIPE acceptance of Figure 16 as a reply to the Notice, be withdrawn. Concurrently, petitioners have, via this reissue application, canceled Figure 16, and made appropriate conforming amendments to the remaining subsequent drawing figures, and the specification.

Petitioners' arguments are well taken. The USPTO regrets that OIPE changed the filing date of the original application to the date of receipt of the formal drawings, which included the omitted Figure 16, in the absence of the necessary petition under 37 CFR 1.182 and fee. In the absence of a grantable petition under 37 CFR 1.182 and fee, OIPE lacked delegated authority to change the filing date of the original application from the date of initial receipt of the original application papers to the date of submission of the omitted Figure 16. See MPEP 1002.02(q), ¶ 5. Rather, it is—and was—clear that applicants chose to constructively rely on the original application as filed; *i.e.*, applicants chose option (3) noted above on the Notice. Accordingly, the acceptance of Figure 16 by OIPE and its entry into the file as well as the consequent change by OIPE of the filing date with the included Figure 16 are both expressly **vacated** and, as such, have no force and effect. See Ex Parte Brunner, 1872 Dec. Comm'r Pat. 62, 63 (Comm'r Pat. 1872)(Commissioner vacating unauthorized Office action). Petitioner's requested filing date of November 22, 2000, for the original application is hereby reinstated. It follows, however, that Figure 16 was not among the papers filed in the original English specification on November 22, 2000.

Reissue Application No. 10/445,868

Page 3

It is noted that petitioners have facilitated the favorable consideration of this petition by canceling Figure 16, and propose, via this reissue application, to renumber the subsequent remaining drawing figures and to make conforming amendments to the specification where it describes the now deleted Figure 16 as well as where it describes the remaining, but renumbered, drawing figures.

An applicant may seek to remedy, by amendment without petition, an inadvertently omitted item in an application that, as here, has been accorded a filing date, by relying on an express incorporation statement. See MPEP 201.06(c), 7th Ed. Rev. 1 (Feb. 2000) (version in effect as of the requested filing date, and more fully discussed in the current 8th Ed. Rev. 1 (Feb. 2003)). This is a prosecution issue exclusively before the examiner for his determination as to whether new matter has been introduced *vel non* by the insertion of the allegedly incorporated material, and is not an issue pertaining to the filing date *per se*. Id.

Petitioners are advised that they may wish to resubmit the subject matter included in (now canceled) Figure 16 as an amendment for consideration by the examiner under MPEP sections 608.02(p) and 608.04 for entry of new matter not described in the original application as filed on November 22, 2000, under 35 U.S.C. 112, first paragraph; 35 U.S.C. 132, and successful *vel non*, will nevertheless retain the newly accorded filing date for the original application: November 22, 2000. See MPEP 201.06(c).

While internal USPTO PALM/EXPO records have been changed to reflect the newly accorded filing date for the original application for patent, this reissue application, upon issuance, will publicly reflect, *inter alia*, the changed filing date of the original application for patent. For petitioners' convenience, a copy of a corrected filing receipt for the original application is enclosed with this decision.

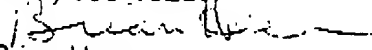
The forthcoming examination and search of this reissue application conducted pursuant to 37 CFR 1.176 will also take into consideration the newly accorded filing date of the original application for patent: November 22, 2000.

This reissue application is being forwarded to Technology Center AU 2879 for examination in due course.

Reissue Application No. 10/445,868

Page 4

Telephone inquiries related to this decision should be directed to the undersigned at
(703) 305-1820.


Brian Hearn

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure:
Corrected Filing Receipt for 09/717,069

Attorney Docket No.: K-238A

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hun Gun PARK and Seok Cheon HA

Application No.: 09/721,709

Confirm. No.: 4055

Filed: November 27, 2000

For: PLASMA DISPLAY PANEL

REQUEST FOR CORRECTED FILING RECEIPT

Box: Patent Application
Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

A corrected filing receipt is hereby requested in view of the errors which appear in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the errors have been noted in red.

It is believed that no fee is due. However, please credit or debit Deposit Account No. 16-0607 as necessary to effect entry of the attached corrections.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Laura L. Lee
Registration No. 48,752

P. O. Box 221200
Chantilly, VA 20153-1200
Telephone: (703) 502-9440
Date: January 6, 2003

The Patent Office acknowledges, and has stamped, the date of receipt of the items listed below.

Docket No. K-238A

Application No. 09/721,709

Title PLASMA DISPLAY PANEL

Inventor(s) Hun-Gun PARK and Seok Cheon HIA

FEE(S)

CHECK NO.

1. Request for Corrected Filing Receipt
w/ copy of original Filing Receipt

TOTAL FEE: \$

Old Due Date: N/A

New Due Date: N/A

Initials: DYK/LLL

() Charge To Deposit Account 16-0607

Date Filed: January 6, 2003





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/721,709	11/27/2000	Hun Gun Park	K-238A

FLESHNER & KIM, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

CONFIRMATION NO. 4055



OC000000009357269

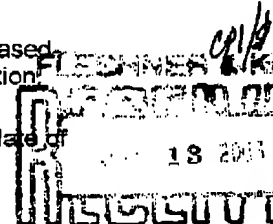
Date Mailed: 01/09/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☒ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application.
- ☐ A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of



- ☐ this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



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Office of Initial Patent Examination
(703) 308-1202



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20535
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/721,709	11/27/2000	2879	1014	K-238A	15	28	5

CONFIRMATION NO. 4055

FLESHNER & KIM, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

FILING RECEIPT



00000000005905966

Date Mailed: 03/27/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Hui Gun Park, Kyongsangbuk-do, KOREA, REPUBLIC OF;
Seok Cheon Ha, Kyongsangnam-do, KOREA, REPUBLIC OF;

Continuing Data as Claimed by Applicant

This application is a Divisional of 09/717,069 filed on Nov. 22, 2000.

Foreign Applications

REPUBLIC OF KOREA 1999/52532 11/24/1999
REPUBLIC OF KOREA 2000/00151 01/04/2000
REPUBLIC OF KOREA 2000/02069 01/17/2000
REPUBLIC OF KOREA 2000/02070 01/17/2000

If Required, Foreign Filing License Granted 03/26/2001

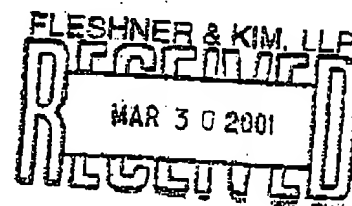
Projected Publication Date:

Non-Publication Request: No

Early Publication Request: No

Title

Plasma display panel



Preliminary Class

445

Data entry by : TEGBARU, HAIMANOT

Team : OIPE

Date: 03/27/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231